UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED

SEP 28 2005

OFFICE OF PETITIONS

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

In re Patent No. 6,910,141 :
Issued: June 21, 2005 :
Application No. 10/784,835 : PATENT TERM ADJUSTMENT
Filed: February 23, 2004 :
Atty. Dkt. No.: P04461-D06 :
(11461.00.0171 :

This is a decision on the "PETITION TO CORRECT PATENT TERM ADJUSTMENT," filed August 22, 2005. This matter is being properly treated under 37 CFR 1.704(d) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 6,910,141 on June 21, 2005. The instant request for reconsideration was timely filed August 22, 2005 in accordance with 37 CFR 1.705(d). The patent issued with zero days of PTA. Applicants argue that the correct PTA is three days and further assert that the reduction of 100 days for a "miscellaneous incoming letter" on March 14, 2005 was in error.

A review of the application history reveals that the correct adjustment at the time of issuance of the patent was zero days.

In accordance with 37 CFR 1.702(a)(2), an adjustment of 43 days can be attributed to the Office for failure to respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply occurred.

The adjustment of three days is reduced a total of 40 days in accordance with 37 CFR 1.704(c)(8) for applicants' failure to engage in reasonable efforts to conclude prosecution. The adjustment began August 21, 2004, the day after the date that a reply to the non-final Office action was submitted, and ended September 29, 2004, the date the supplemental response (IDS) was filed.

Applicants are correct, however, in that the entry of a reduction of 100 days in connection with applicants' submission on March 14, 2005 was in error. It is noted for the record that the March 14, 2005 submission was in fact applicants' good faith and candor comments to the Office regarding the PTA indicated in the Determination of Patent Term Adjustment mailed February 1, 2005.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of three days.

Receipt of the required $200.00 application fee is hereby acknowledged.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by three days.

Telephone inquiries specific to this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3202.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

Day : Tuesday
Date: 9/27/2005

PALM INTRANET

Time: 11:39:49

PTA Calculations for Application: 10/784835			
Application Filing Date:	02/23/2004	PTO Delay (PTO):	43
Issue Date of Patent:	06/21/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	140
Post-Issue Petitions:	0	Total PTA (days):	3
PTO Delay Adjustment:	100		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	09/27/2005	ADJUSTMENT OF PTA CALCULATION BY PTO	100		
42	06/21/2005	PATENT ISSUE DATE USED IN PTA CALCULATION			
41	05/24/2005	RECEIPT INTO PUBS			
40	05/23/2005	DISPATCH TO FDC			
39	05/23/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
38	04/26/2005	ISSUE FEE PAYMENT VERIFIED			
37	03/14/2005	MISCELLANEOUS INCOMING LETTER		100	
36	04/28/2005	RECEIPT INTO PUBS			
35	04/26/2005	ISSUE FEE PAYMENT RECEIVED			
33	03/08/2005	WORKFLOW - FILE SENT TO CONTRACTOR			
32	02/08/2005	EXPORT TO INITIAL DATA CAPTURE			
31	02/01/2005	MAIL NOTICE OF ALLOWANCE	43		19
30	02/01/2005	MAIL NOTIFICATION OF TERMINAL DISCLAIMER - NOT ACCEPTED			
29	02/01/2005	MAIL NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED			
28	01/31/2005	ISSUE REVISION COMPLETED			
27	01/31/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
26	01/31/2005	NOTICE OF ALLOWABILITY			
25	01/24/2005	PARALEGAL TD ACCEPTED			
24	01/24/2005	NOTIFICATION OF TERMINAL DISCLAIMER - ACCEPTED			
23	01/11/2005	PARALEGAL TD NOT ACCEPTED			
22	01/11/2005	NOTIFICATION OF TERMINAL DISCLAIMER - NOT ACCEPTED			

21	08/20/2004	TERMINAL DISCLAIMER FILED			
20	11/24/2004	DATE FORWARDED TO EXAMINER			
19	08/20/2004	RESPONSE AFTER NON-FINAL ACTION			
18	09/29/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		40	19
17	08/20/2004	WORKFLOW INCOMING AMENDMENT IFW			
16	07/13/2004	MAIL NON-FINAL REJECTION			
15	07/12/2004	NON-FINAL REJECTION			
14	06/08/2004	CASE DOCKETED TO EXAMINER IN GAU			
13	06/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	02/23/2004	PRELIMINARY AMENDMENT			
11	02/23/2004	REFERENCE CAPTURE ON IDS			
10	02/23/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	06/07/2004	CASE DOCKETED TO EXAMINER IN GAU			
8	05/17/2004	APPLICATION RETURN FROM OIPE			
7	05/17/2004	APPLICATION RETURN TO OIPE			
6	05/17/2004	APPLICATION DISPATCHED FROM OIPE			
5	05/17/2004	APPLICATION IS NOW COMPLETE			
4	03/25/2004	CLEARED BY OIPE CSR			
3	03/25/2004	CASE CLASSIFIED BY L&R			
2	03/09/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/23/2004	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page